

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH

UNITED STATES OF AMERICA, )  
Plaintiff, ) 2:15-CR-00229-DWA  
vs. )  
LATEL TYRONE SMITH, )  
Defendant. )

AMBROSE, United States Senior District Judge

**FINDINGS OF FACT  
CONCLUSIONS OF LAW, and  
ORDER OF COURT**

After a hearing on Defendant's Motion to Suppress, the Court makes the following:

**FINDINGS OF FACT**

1. The Defendant, Latel Tyrone Smith, had been issued a Notice of Defiant Trespass on December 21, 2012 which completely barred him from being on the premises of the Mon View Heights Apartment Complex. This Notice never expired and remains in effect.
2. On several occasions after December 21, 2012, Michael Gressem, a security site supervisor for Mon View Heights, apprehended Defendant on Mon View Heights property, pursuant to the Notice of Defiant Trespass, and detained Defendant for the West Mifflin Police Department.
3. On June 13, 2015, after receiving a radio call stating that there were two defiant trespassers on Mon view Heights property, Gressem observed Defendant and another man on the property.
4. The 2 men entered and then exited an apartment. As Defendant ran from the apartment, Gressem chased Defendant and eventually detained Defendant, who was then on the ground of a hillside between 2 rows of apartments.

5. As Gressem was cuffing Defendant, who was lying on the ground, Gressem instructed Defendant to roll over and slide to the bottom of the hillside.

6. Gressem's partner, Marc Strunk, arrived at the time Defendant began to roll down the hillside and observed a gun in Defendant's waistband, which then fell onto the ground as Defendant was rolling.

7. The gun was retrieved by the security officers.

8. Thereafter, Defendant was arrested under state law. On October 27, 2015, Defendant was indicted by a grand jury in this Court for possessing a firearm after having been convicted of a felony.

9. Defendant had filed the instant Motion to Suppress the firearm seized from him or nearby on June 13, 2015.

#### CONCLUSIONS OF LAW

1. The Defendant's presence on Mon View Heights Property on June 13, 2015 was in violation of the Notice of Defiant Trespass issued against Defendant on December 21, 2012. Therefore, there was probable cause for Defendant's arrest.

2. The gun was observed in plain view by the security officers after Defendant was detained. The gun was lawfully seized pursuant to the plain view doctrine.

#### ORDER OF COURT

And now, this 21<sup>st</sup> day of ~~July~~<sup>sure</sup>, 2016, Defendant's Motion to Suppress [51] is denied.

BY THE COURT:



Donetta W. Ambrose,  
United States Senior District Judge